

TOWN OF TIVERTON RHODE ISLAND

Tiverton Harbor Commission, 343 Highland Road, Tiverton RI 02878

Minutes of Regular Monthly Meeting

March 2, 2009

The meeting was held at the Community Center, 346 Judson Street, Tiverton.

The meeting was Called to Order at 7:32 PM by Chairman John McEwing, presiding.

Present were Harbor Commission members: John McEwing, David Stewart, Bob Dixon, Roger Winiarski and Harris Gruber.

Also present were guests: Charlie Smith, 128 Riverside Drive, Tiverton; and Town Administrator Jim Goncalo and Town Council President Don Bollin.

The minutes of the February 2 meeting were reviewed; most members had received copies by email; printed copies were also handed out. No corrections or omissions were presented. A motion was made to accept the minutes as written; they were accepted by unanimous vote.

CORRESPONDENCE:

Jeff Caron, Chairman of the Tiverton Budget Committee, informed Chairman McEwing that the Harbormaster Phil LaPointe would be presenting his budget proposal at the next Budget Committee meeting on Thursday March 5th; it is anticipated that this interview would be third on the agenda; THC members were urged to attend.

CONSTRUCTION REPORT: Nothing to report at this time.

APPEALS AND COMPLAINTS:

The Commission was informed by guest Charlie Smith and member that more of the "tire fenders" (large quantities of used tires fastened together to form fender structures) have shown up in Tiverton waters. One such structure has floated into the southeast corner of the Tiverton Basin and has fetched up against the north wall of the old Stone Bridge abutment, where it has been secured. Also, two more similar of these structures have washed up on the Portsmouth shore, opposite Tiverton. This has been an ongoing problem; these structure appear to be constructed all in the same manner and resemble those in use by the Borden Light Marina in Fall River, directly upstream of Tiverton. It has been remarked in the past that they are the

responsibility of said Marina; earlier efforts to encourage said Marina have not been responded to. The situation was discussed among the members and it was decided to write a letter to the Marine Safety Office of the U.S. Coast Guard, in East Providence, with a copy to be sent to Borden Light Marina, to seek action to remove same and to seek official relief from the obvious hazard to navigation and property presented by these structures coming adrift. Members McEwing and Gruber will combine drafts of a letter to the Marine Safety Office in an effort to solve this problem in a timely manner.

Ongoing is the problem of the sailboat lodged on the south face of the Stone Bridge breakwater, which came adrift and grounded there in October. At an earlier date, it could have been floated off, as the owner, Brian Helger (who has attested as to his ownership of the vessel, and has no insurance), \ said he would do at an extra high tide in December. Mr. Helger has taken no action to this date; now, the boat is badly holed from extended exposure on the breakwater and cannot be floated, without extraordinary efforts. Mr. Helger, though notified by registered letter of his responsibility by Harbormaster Phil LaPointe, has so far refused to fulfill same. Being a "wreck", it is fully within his purview to dispose of the vessel, for the benefit/protection of the Town. Various actions by the town are being considered, including determining how to get the boat to the beach to be broken up for scrap. There has been one volunteer to actually break it up, who, for his effort at doing so and disposing of the remains, will take the lead keel for its scrap value. The cost to remove the boat and get it to the beach in its present condition give pause to officials because of the danger of the vessel sinking, possibly in a navigable waterway and also because of the cost of actually breaking up and disposing of the remains. Discussion continues.

OLD BUSINESS:

1 - John McEwing will contact Kevin Cute of CRMC regarding the status of our most recently submitted revision of the Tiverton Harbor Management Plan. Harris Gruber has left messages for Kevin re: this matter, but no return calls to date.

2 – Roger Winiarski had suggested at the previous meeting that we contact the Town Solicitor regarding liability and legal requirements as they would apply to members of the Harbor Commission serving as deputy or assistant harbormasters. Ongoing.

3 – Harris Gruber directly addressed the Harbormaster at the February meeting to provide copies of the current Mooring Assignment List and Mooring Applications List,

which he said he would bring to the next meeting. At that meeting, the Harbormaster also advised where this information could be found in the Town Hall. A search was conducted on the morning of this meeting. A single full-sized file drawer labeled "Harbor Commission" was located at Town Hall. Found there was a large envelope, with an indeterminate, though sizable, number of copies of mooring permits; the envelope was dated August 15, 2008. In general, this file drawer contains irregular records of old minutes of THC meetings, dating to 1998?, some blank forms for Mooring Applications and Mooring Inspection Reports, plus a list of 2004 mooring holders and one of some applicants from the same year, but no other current information. The Harbormaster was not present at the March 2 meeting. The request for this information was made at the last meeting so that the Harbor Commission would be better able to manage our mooring fields and assignments of moorings, which is our responsibility to oversee. Harris has volunteered to pack up the old records, older than three years old, to be stored with Town archives, and to organize the drawer to facilitate storage of current records, as described, for easy access by Town officials, the Harbor Commission members, and Town residents. It is also intended that this will include Mooring Inspection Reports and other pertinent records, such as Budgets and Expenditures of the Harbormaster's Office.

4 – The "Enabling Act" referred to by Roger Winiarski at last month's meeting, is an actual act passed by the Rhode Island General Assembly that enables the Town of Tiverton to exercise full management and legal jurisdiction of all the waters, navigable and mooring, beyond the Mean High Water line on the Town's shores, out to the outer limits of those waters, instead of the authority being vested solely in the State Government (?). We are endeavoring to obtain a copy of this law, so as to aid the Harbor Commission in the management and enhancement of the waters of the Town of Tiverton. Harris will seek out a copy at Town Hall before the next meeting. Not all towns have such authority; it was apparently especially formulated and presented to the Rhode Island General Assembly and passed some years ago. Ongoing.

5 – Harris Gruber has been working at compiling a list of all existing and prospective "Rights of Way" to the shoreline areas between the Mean High Water mark and the Mean Low Water mark on the river shorelines of the Town. These areas are considered by law to be the property of the State of Rhode Island. These accesses are shown, in various forms, on the Town Assessor's maps. These include easements for drainage outfalls, utility wires and other purposes, which might possibly provide access to the shoreline. There are many problems with making actual determinations of what constitutes a "Right of Way"; not the least of which is determining exact

geographical limits of these properties. Some locations provide obvious access, others are questionable. There may also be issues with adjoining property owners. Harris is studying Harbor Management Plans of other nearby towns to see how they are approaching the matter. Harris has had one conversation with a land surveyor in Bristol on the matter. It has been suggested that he contact a retired surveyor who is familiar with the Town for further edification. So far, in addition to nine shoreline access points listed by CRMC in the "Red Book", as many as 22 prospective additional points have been identified. Using a handheld GPS, a single-point latitude/longitude identification will be added to each description. A list that also contains map and book numbers for each will be presented to the Harbor Commission at its next meeting. Ongoing.

6 – Regarding the listing of Harbor Commission members on the Town website, David Stewart has finally cleared this up with the webmaster and all members are now correctly listed. Also, a listing that lists the frequency and location of our meetings is now included.

7 – Regarding its annual advertising by the Town for the Harbormaster position, it was noted by Harris that, at the Town Council meeting on February 27th, that the interviews for Harbormaster were "pulled for advertising". When all applications are in hand, the Harbor Commission will review them and make recommendations to the Town Council, who will then choose the most suitable candidate. Ongoing

NEW BUSINESS:

1 – Regarding the new marina under development at Quality Yacht Services on Riverside Drive, Bob Dixon advised that construction work has been held up by news that the delivery of floats and mooring devices intended for the project have been held up in Finland, where it is all being manufactured, due to seizure by authorities of the storage facility where the material is now located. No further information was forthcoming.

2 – Several members and guest Charlie Smith remarked that there appears to be a general scouring of the shoreline on the north shore of the Basin. This is especially evident beneath several of the houses on pilings on Riverside Drive, located to the north of Quality Yachts. It was also remarked that, while the governing authorities averred that the removal of the central structures of the old swing bridge (?and the railroad bridge?) would not materially affect water flow and erosion on the Tiverton shoreline, there seems to be evidence to the contrary. Ongoing.

SPECIAL AGENDA:

The Commission had invited Mr. Goncalo and Town Council President Bollin to this meeting so that we could inform them of our ongoing activities and to hear their concerns with same. After our usual business was concluded, all attendees engaged in a lively and wide-ranging discussion, regarding budget matters, harbormaster staffing, harbormaster duties, equipment maintenance, liabilities, mooring issues, THC responsibilities, including the CRMC stipulation specifying our responsibility for reviewing plans for structures being repaired or built within 200 feet of the Mean High Water mark,, as part of the overall approval process by other appropriate Town authorities. This includes docks, bulkheads, homes, commercial structures and other building and renovation projects. Numerous examples of projects that had escaped our review were cited.

POSSIBLE ILLEGAL ACTION? One recent action noted by THC member Bob Dixon was of activity on the shoreline of an open-field property on ?Neck Road/Seapowet Avenue?, just south of the sawmill. The property in question is posted against hunting. Bob noticed one or more large trucks unloading large boulders that were being rolled to the water's edge, apparently to be put in place as rip-rap. The Harbor Commission has no record of a request for a permit for this activity.

MOORINGS: Bob Dixon also related that on another of his occasional drives along the Tiverton waterfront, he began counting the numbers of moorings in each of the mooring fields, being careful to NOT include lobster pot buoys. Using his binoculars and taking a count, he noted some 300 mooring markers, before he got to the Stone Bridge. John McEwing stated that Harbor Commission members would endeavor to make an accurate count this season, using their own boats.

BUDGET: The Harbormaster's budget for the coming year was discussed. Safety matters were our chief concern. Reckless operators, speeding and overloaded boats, children riding on bows with NO lifejackets, excessive wake combined with an irregular presence of a harbor patrol during the busy boating season are real problems. It is also difficult to adequately check mooring and boat stickers for compliance with local mooring regulations, if there is no authority out on the water regularly during the boating season. Though funds are limited, it was made clear that the Commission members consider the liability exposure to the Town to be considerable, unless we are able to maintain a reasonable patrol schedule, with regard to both staff and equipment

WRECKED SAILBOAT: Some discussion with our guests about the wrecked sailboat

was also discussed, especially with regard to the cost of removal. It was pointed out by Donal Bollin that the cost to the town could be considerable, if the town is required to take its own measures to remove the derelict.....and also that legal costs to the town could escalate if not done properly. It was suggested that all measures be taken to inform and point out to the owner of the vessel that it is his responsibility to clean up this mess. Keeping the pressure on the owner for the time being seems to be consensus.

OLD STONE BRIDGE, TOWN DOCK: The nature of the deterioration of the old Stone Bridge abutment was discussed; the replacement of the Town Dock was discussed. Funding shortfalls contribute to uncertainty as to the replacement of same. In that connection, we also talked about possibly augmenting economic activity in that area as a way to generate more income from existing businesses and to provide more tax revenue for the town, including the possible placement of a temporary dock for this purpose, pending the replacement of the previous Town dock.

NEED FOR NEW MEMBERS: We also spoke about our need to attract new members to get to our full strength of nine (presently six). In this matter, we also discussed how important this was in order to make sure we always had a quorum (minimum five) for each meeting.

In the matter of the construction referred to above, Mr. Goncalo requested a letter from us so that this point could easily be reviewed by him with other Town agencies.

In the matter of Harbormaster responsibilities, since the Harbormaster reports to the Town Council (even though his activities are overseen by the Harbor Commission), Mr. Goncalo requested that we refer record-keeping difficulties to him for further action.

*ILLEGAL MOORINGS: The matter of liability when it becomes necessary to move a mooring due to non-compliance of one sort or another by the Owner was discussed, but no conclusion was reached. It was suggested that the Harbor Commission write a letter to the Town Administrator regarding our views of the functions of the Harbormaster and how best to accomplish them.
The meeting was adjourned at 10:24 PM.*

Respectfully submitted.....Harris Gruber, Secretary